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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,182	02/25/2004	Ming-Fa Wang	SUND 503	3384

23995 7590 03/06/2007
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/785,182

Applicant(s)

WANG ET AL.

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6,8-10,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (5,154,507).

2. The recitation “backlight module” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Collins discloses an extruded metallic carrier (22), wherein the metallic carrier has a top-face (area or outer lip corresponding to 22 located above numeral 22 and below 42 and 38)) and a plurality of heat-dissipating channels (16) with an accommodation sink

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being formed on the top-face (20); the metallic carrier further comprises a base body (12) and two lateral bodies (34) of which the base body has a body's top face while the two lateral bodies are deposited on two ends of the body's top face and form the accommodation sink together with the base body(fig 11); the two lateral bodies are deposited on two ends of body's top face by forming a screw joint with the base body (28,39,40); the two lateral bodies have a plurality of second heat dissipating channels (32)which are disposed within the two lateral bodies(col. 3 lines 45-49) and a light source which is deposited in the accommodation sink (24); a reflector sheet which is deposited in the accommodation sink and is situated under the light source(the accommodation sink is formed of a reflective surface, the term, "deposited" suggests a manufacturing process which Collins appears to anticipate (col. 3 lines 31-36); The metallic carrier has a constant cross-sectional profile along its entire length (fig.11); the metallic carrier is made of aluminum (col.3 lines 29-30,60-64)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,7,11,13,14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (5,154,507).

5. Collins discloses the claimed invention except for the recitation of the light source comprising a plurality of cold cathode fluorescent lamps and a diffuser deposited above the light source as recited in claims 5,7,11,13,15-17.

- With regards to the structure of claims 1 and 8 including a plurality of cold cathode fluorescent lamps it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the light source of Collins with a CCFL since CCFL's are old and well known in the art for their low heat emission. One would have been motivated to substitute the light source of Collins with a CCFL since as stated above, CCFL's are known for their low heat emissions and implementing such a light source in the device of Collins would provide the device with an additional heat reducing feature.
- With regards there being a plurality of cold cathode fluorescent lamps, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of cold cathode fluorescent lamps in the device of Collins since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, a plurality of cold cathode fluorescent lamps in the device of Collins would provide Collins with a greater amount of emitted light making the device brighter.
- With regards to the device including a diffuser sheet above the light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a diffuser sheet in the device of Collins, the

implementation of a diffuser sheet in light devices is old and well known for providing the light device with a means for scattering and evenly distributing light emitted through the diffuser sheet. One would have been motivated to include a diffuser sheet above the light source of Collins since a diffuser sheet would provide the device of Collins with a light scattering feature that would aid in evenly distributing light outward from the light source.

- With regards to claim 14, Collins discloses the claimed invention except for the recitation of a plurality of cold cathode fluorescent lamps lined up in the accommodation sink and a diffuser plate deposited above the light source. These limitations are addressed in the rejections as stated above.

Response to Arguments

6. Applicant's arguments filed 12/08/06 have been fully considered but they are not persuasive. To begin, applicant argues that independent claim 1 recites a "backlight module comprising", applicant is reminded that this limitation has not been given any patentable weight since it occurs in the preamble and the body of the claim does not rely on this limitation for completeness (see above). Secondly, applicant argues that the heat dissipating channels of Collins are extended along the outside of the heat sink surface and are positioned over the front cover. The examiner disagrees with applicant's interpretation since as clearly seen by figures 1 and 3, heat dissipating channels 16 are incorporated in housing the light source in combination with rear cover 12 which also has heat dissipating channels and 16 encompasses entirely with 12 the light source. Although Collins refers to these elements as "rear" and "front cover", they

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are considered to anticipate applicant's limitation of "extruded metallic carrier" since both 12 and 14 are extruded and metallic, and carry the internal components of the lamp when assembled, in combination with an accommodation sink which reflector element 20 Collins serves as since it is accommodated within the metallic carrier and carries light source 10. Applicant also reiterates the examiner's interpretation of "within" which has not changed and the heat dissipating channels of Collins are not considered to deviate from this interpretation since as the heat dissipating channels of Collins 16 are indeed disposed within the extruded metallic carrier, in that they are integral with the extruded carrier of Collins thus "contained" within the shape/body/extrusion form of Collins.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton
Examiner
Art Unit 2875

AMT



Sandra O'Shea
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